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# High-Frequency Gleaning and Usufruct Freedom

FROM THE SERIES: Temporary Possession

Photo by Rebecca Empson.

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Bail Bloc is an app that takes about as much computing power as a YouTube video: installed on personal computers, it quietly mines a cryptocurrency called Monero, which its managers then cash out and donate to the Bronx Freedom Fund. If five thousand people ran Bail Bloc for twelve months, its website predicts, 1,805 people could be freed from pretrial detention. This means: to give others the presumption of innocence, to keep them from losing their jobs, children, and sanity as they wait for their trials, to vastly increase their chances of actually getting a trial instead of settling for whatever plea deal will free them, we all just need to let this app run in the background as we putter about on the Internet. I have contacted both Bail Bloc and the Bronx Freedom Fund and both have confirmed that it works, this "cryptocurrency scheme against bail." In under a year, it's generated over $6,000: not a particularly significant sum in a country where "at any one time more than 450,000 people are detained pretrial because they have not posted money bail" (Simonson 2017, 595). But, to be fair, it's also only run by about 350 users at any given time. What if it were installed on computers across America?

This post is about high-frequency gleaning. Building on Amiel Bize's keen observation that gleaning is not only the right to scavenge but also the obligation to produce leftovers that might be scavenged, I explore some particularities of gleaning today. Leviticus, after all, gives us deceptively simple instructions: do not reap to the edge of your field or gather the gleanings of your harvest, leave them for the poor and for the foreigner. Fair enough, but what constitutes a field nowadays? What does it mean to reap it, and who are the poor and the foreign?

Coming from the study of Soviet civil law (see Cherkaev 2018), I am especially interested in nonprivate ownership, in what happens to the idealized triad of full and complete ownership rights—*usus* (to manage), *fructus* (to benefit from), *abusus* (to dispose of)—when property is collectively held. As Gustav Peebles (2008, 236) points out, financial savings are also a form of incomplete ownership, a way of socializing individual hoards to provide "everyday holders of minuscule amounts of economic value the ability to become embroiled in the giant, swirling system of economic investment." In other words, value that is not simply hoarded but saved in banks forms part of a resource pool from which banks issue loans. It is the owner's to profit from and dispose of, but not his or hers to manage: it gives owners *abusufruct* rights in that swirling system of professionally managed *use.*

Easy digital access to this giant swirl enables high-frequency gleaning: it allows significant surpluses to be garnered by shaving coin, ever so slightly, across very many different transactions. "Anyone can grow wealth," the Acorns app promises: "Imagine if you could invest in your future without really noticing." Saving value from the owner's immediate (mis)use to avail it to the fecund swirl, such apps promise to make saving automatic and therefore easy: they promise to pick over your financial fields in ways you won't even notice. Other apps make giving easy. "You don't notice the 'pennies' from everyday spending," one charity-gleaning app recently promised: "At the end of the year it all adds up!" The question of *fructus* (who benefits) varies, but the question of *usus* (who manages) remains the same: management must be vested in some professional organization, whether financial or philanthropic. High-frequency gleaning doesn't work through the owner's own personal ties. The owner, ideally, doesn't even notice it happening.

Requiring a professional intermediary to manage *usus*, high-frequency gleaning depersonalizes charity, mediating alms through the swirl. Traditional alms-giving follows suit: people are increasingly asked not to help others directly. New meters installed in my hometown of Salt Lake City ask citizens to feed them their spare change instead of giving it to the homeless: beggars are sure to mismanage their resources, while the meters bear signage promising that "100 percent of donations to meters goes toward homeless service providers."


BIKE LANE
AMERICAN PLAZA
P
FAIL
ONE HOUR TIME LIMIT
100%
goes toward
homeless services
HOST
SLC
TURN SPARE CHANGE
INTO REAL CHANGE
PLEASE DO
SUPPORT
PANHANDLING
Turn Spare Change into
Real Change
Give to agencies that help those with the
greatest need by donating here or online at
slchost.org
HOST

Antipanhandling meter in downtown Salt Lake City. Photo by Xenia Cherkaev.

Systems of investment also mediate justice. In our “post-trial world, fewer than 5 percent of criminal cases end in a trial of any kind” (Simonson 2017, 586), as people accused of a crime must immobilize significant amounts of financial property to avoid pretrial incarceration, which can last years. Many sign plea deals for freedom. “Criminal justice today,” the U.S. Supreme Court declared in 2012, “is for the most part a system of pleas, not a system of trials.” Posting money bail for indigent strangers, community bail funds have been heralded as “a powerful form of popular input into criminal justice from outsiders who rarely have a say in how their local justice systems are administered” (Simonson 2017, 590). In other words, to have their say in the justice system, outsiders must speak the language of financial flows. Insiders must also: some municipalities have instituted their own bail funds to bail out the very people that other state agents have bailed in.

With political spending recognized as a form of free speech, justice often comes down who can attract more in the way of investment. But organizations are under no obligation to lobby for everyone. Community bail funds are as free to choose whom to bail out as you or I are free to select which nonprofit receives our automatically gleaned donations. And while we might laud some identity-based initiatives for ameliorating the effects of structural violence, the $750,000 that the killers of Trayvon Martin and Michael Brown crowdfunded for their legal fees might make us less enthusiastic.

Where, here, is the owner’s obligation to leave for the poor and the foreigner? It's in a percentage cut from the profits that savings amass as they swirl about in the fecund system of economic investment, where owners know neither who gleans at the edge of their fields, nor even what grows there.

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